Rt. 12, Frederick, Md. 21701
7/18/77

Miss Jane Smith, Director
Civil Archives Division
National Archives
Washington, D.C.20408

Dear Miss Smith,

Your letter of the 8th with the enclosures, for which thanks, came when I was in Dallas seeking other evidence. I then did obtain copies of what you did not supply until this letter. I'm soggy when this matter is before a court, not for the first time, and when my interests and desires are as clear as they have been that the Archives did not supply these records until after I left to obtain them and other evidence by other means.

If any real search was made for the missing correspondence from the United States Attorney in Dallas then the researcher should have found reference to the earlier letter, the one not yet supplied. Under the circumstances and if under the Act I think it is right and proper for you to refer this to that office. It can send you a copy promptly. I also believe that others are entitled to these records. If I make a request with the claimed backlog it will be another year or more before it is reached.

My going to Dallas was for purposes of this FOIA case only. That really should not have been necessary. It was, however, productive on precisely this point and in a way that makes your inability to supply a copy of the USA's letter suspicious. I learned from Mr. Sanders' source how Mr. Sanders learned about the "missed" shot and the impact on the curbstone. If you will examine CE1 you will find that in his lengthy and supposedly definitive report the late J. Edgar Hoover accounted for the assassination of a President without mention of this shot. (Or for that matter the wound in the front of his neck.) The information reached the Commission not from the FBI but in spite of it. It did not seek James T. Tague out despite knowing he was wounded. He sought it out the next month. This touched the point where the Commission was attributing FBI omissions to those who supplied information, as in the Memmer to Redlich memo of 7/22/64. If Agent Gaitzer did not ask Walthers about the curbstone impact or omitted it from his FD302 the "discrepancy" is attributed to Walthers, not the FBI.

The earlier correspondence with the Dallas USA is not all that you have not supplied. Mr. Tague was taken to the police headquarters promptly. He was in the next cubbyhole in homicide when Oswald was brought in. A statement was taken from him by the Dallas police. All these records were given to the Commission. You do not report a search of them for the records I need for the Court in this case. I would appreciate a prompt search of them hopefully without cause for still more suspicion. As I wrote Dr. Rhoads long ago you people are in the position of the biblical maiden who, entrusted with the keeping of the vineyards her own vineyard did not keep. This is about the assassination of a President, the official investigation of it and now federal compliance with a law requiring the making available of public information. When crucial evidence like the this is destroyed, which just happenes to coincide with the failure of mention of that wound in the FBI's report, you refuse to make any investigation. When I establish the existence of records you are supposed to have and claim you do not have in no case have you sought to replace them as in all cases I believe you are obligated to do. There is no doubt at all about the requirement under the original FOIA because the obligation of referral is specific in the Attorney General's Memorandum on it. It is my recollection that Dr. Rhoads gave precisely this assurance to the Congress under oath. If you will not do as I ask so that you can provide these missing records promptly I ask that you let me know as soon as you can so I can inform counsel who then may seek other redress.

Sincerely, Harold Weisberg